

REMARKS

Claims 1-6 are pending in this application.

Applicant has amended claims 2, 4, and 5 to clarify the claimed subject matter. These changes do not introduce any new matter.

Applicant respectfully requests reconsideration of the rejection of claims 1-6 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-15 of U.S. Patent No. US 6,669,322 B2 to *Gaston et al.* Applicant respectfully submits that the obviousness-type double patenting rejection is improper because there is no common relationship of inventorship or ownership between the subject application and the patent to *Gaston et al.* (the sole inventor named in the subject application, Noboru Asauchi, is not listed as an inventor on the front page of the patent to *Gaston et al.* and the assignee of the subject application, Seiko Epson Corporation, is different from the assignee listed on the front page of the patent to *Gaston et al.*, namely Hewlett-Packard Development Company, L.P.). In the absence of a common relationship of inventorship or ownership, the issuance of the claims of the subject application would not result in any unjustified extension of the patent rights afforded by the patent to *Gaston et al.* at the expense of the public, which is what the doctrine of double patenting seeks to prevent. Thus, claims 1-15 of the patent to *Gaston et al.* necessarily do not raise a *prima facie* case of obviousness-type double patenting against claims 1-6 of the subject application. Accordingly, Applicant respectfully requests that the obviousness-type double patenting rejection of claims 1-6 be withdrawn.

In view of the foregoing, Applicant respectfully requests reconsideration and reexamination of claims 1-6, as presented herein, and submits that these claims are in condition for allowance. Accordingly, a notice of allowance is respectfully requested. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 749-6902. If any fees are due in connection

U.S. Application No. 10/731,367
Amendment dated December 23, 2004
Response to Office Action Mailed August 25, 2004

with the filing of this paper, then the Commissioner is authorized to charge such fees to

Deposit Account No. 50-0805 (Order No. MIPFP018A).

Respectfully submitted,
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A handwritten signature in black ink, appearing to read 'P. Martine', with a long horizontal line extending to the right.

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